

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY APRIL 15, 2011

AMENDED IN ASSEMBLY MARCH 25, 2011

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 352**

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**Introduced by Assembly Member Eng**

February 10, 2011

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An act to add Chapter 7.75 (commencing with Section 3550) to Division 2 of the Business and Professions Code, relating to radiologist assistants.

### LEGISLATIVE COUNSEL'S DIGEST

AB 352, as amended, Eng. Radiologist assistants.

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law also provides for the certification and regulation of radiologic technologists by the State Department of Public Health.

~~This bill would enact the Radiologist Assistant Practice Act, which would require Medical Board of California and would prescribe the services that may be performed by a radiologist assistant under the supervision of a qualified physician and surgeon, as defined. The bill would establish the Radiologist Assistant Advisory Council of the Medical Board of California and require the council to make recommendations to the board concerning the establishment of standards and issuance of approval of programs for radiologist assistants. The bill would require a~~ *prohibit a person from holding himself or herself out*

*as a certified radiologist assistant to meet unless he or she meets specified licensure and programmatic requirements, including completion of an approved program that is certified by the board American Registry of Radiologic Technologists, as specified. The bill would require a radiologist assistant to pay a licensure fee to be set by the board and deposited into the Radiologist Assistant Fund which would be created by the bill in the State Treasury. The bill would make it a crime for a person to practice as a radiologist assistant or osteopathic radiologist assistant without a license or for a radiologist assistant or osteopathic radiologist assistant to practice outside the scope of his or her practice, as specified, thereby imposing a state-mandated local program. The bill would set forth disciplinary provisions and procedures.*

*This bill would require the board to adopt regulations relating to the licensure of radiologist assistants and certification of approved programs by July 1, 2013, and would require the board to commence licensure and certification on that date or as soon as possible thereafter make it an unfair business practice for any person to use the title of “certified radiologist assistant” or any other term, including “licensed,” “registered,” or “RA,” that implies or suggests that the person is certified as a radiologist assistant, if the person does not meet the requirements described above.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*This bill would also prescribe the services that may be performed by a certified radiologist assistant under the supervision of a qualified physician and surgeon, including specifying that a certified radiologist assistant would be authorized to make initial observations regarding the images for the qualified physician and surgeon but would be prohibited from providing image interpretation, providing a diagnosis, or prescribing medications or therapies.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Chapter 7.75 (commencing with Section 3550)*  
2     *is added to Division 2 of the Business and Professions Code, to*  
3     *read:*

4  
5             *CHAPTER 7.75. RADIOLOGIST ASSISTANTS*  
6

7     3550. (a) *No person shall hold himself or herself out to be a*  
8     *certified radiologist assistant unless he or she has done the*  
9     *following:*

10     (1) *Has been certified by the State Department of Public Health*  
11     *as a diagnostic radiologic technologist and has been issued a*  
12     *radiologic technologist fluoroscopy permit.*

13     (2) *Has completed a radiologist assistant education program*  
14     *recognized by the American Registry of Radiologic Technologists.*

15     (3) *Has been certified as a registered radiologist assistant by*  
16     *the American Registry of Radiologic Technologists, or has been*  
17     *certified as a radiology practitioner assistant by the Certification*  
18     *Board of Radiology Practitioner Assistants.*

19     (b) *It is an unfair business practice within the meaning of*  
20     *Chapter 5 (commencing with Section 17200) of Part 2 of Division*  
21     *7 for any person to use the title of “certified radiologist assistant”*  
22     *or any other term, including, but not limited to, “licensed,”*  
23     *“registered,” or “RA,” that implies or suggests that the person is*  
24     *certified as a radiologist assistant, if the person does not meet the*  
25     *requirements of subdivision (a).*

26     (c) *A radiologist assistant shall work under the direction and*  
27     *supervision of a physician and surgeon licensed under Chapter 5*  
28     *(commencing with Section 2050) and that direction and supervision*  
29     *shall be within the specialty or usual and customary practice of*  
30     *the physician and surgeon. A qualified physician and surgeon shall*  
31     *either hold, or be exempt from holding, an operator supervisor*  
32     *permit pursuant to the Radiologic Technology Act, as defined in*  
33     *Section 27 of the Health and Safety Code, for ionizing radiation,*  
34     *fluoroscopy, or the use and handling of nuclear medicine material,*  
35     *as appropriate for procedures that are being supervised. The*  
36     *supervising physician and surgeon shall be physically present on*  
37     *the premises and available to the radiologist assistant when*  
38     *medical services are rendered and shall oversee the activities of,*

1 *and accept responsibility for the medical services rendered by, the*  
2 *radiologist assistant.*

3 *(d) A certified radiologist assistant may supervise a radiologic*  
4 *technologist in the performance of medical imaging procedures*  
5 *using fluoroscopy and is exempted from the provisions of Section*  
6 *107110 of the Health and Safety Code and Section 30463 of Title*  
7 *17 of the California Code of Regulations.*

8 *(e) A radiologist assistant may make initial observations*  
9 *regarding the images for the qualified physician and surgeon, but*  
10 *may not provide image interpretation, provide a diagnosis, or*  
11 *prescribe medications or therapies, as defined by the American*  
12 *College of Radiology.*

13 ~~SECTION 1. Chapter 7.75 (commencing with Section 3550)~~  
14 ~~is added to Division 2 of the Business and Professions Code, to~~  
15 ~~read:~~

16  
17 ~~CHAPTER 7.75. RADIOLOGIST ASSISTANTS~~

18  
19 ~~Article 1. General Provisions~~

20  
21 ~~3550. (a) In its concern with the growing shortage and~~  
22 ~~geographic maldistribution of medical imaging health care services~~  
23 ~~in California, the Legislature intends to establish in this chapter a~~  
24 ~~framework for development of a new category of health manpower~~  
25 ~~designated as the radiologist assistant.~~

26 ~~(b) The purpose of this chapter is to encourage the more~~  
27 ~~effective utilization of the skills of radiologists or other qualified~~  
28 ~~physician and surgeons by enabling them to delegate health care~~  
29 ~~tasks to qualified radiologist assistants where this delegation is~~  
30 ~~consistent with the patient's health and welfare and with the laws~~  
31 ~~and regulations relating to radiologist assistants.~~

32 ~~(c) It is also the intent of this chapter to license radiologist~~  
33 ~~assistants and radiologist practitioner assistants and to categorize~~  
34 ~~both groups under the title of radiologist assistant.~~

35 ~~(d) This chapter is established to encourage the utilization of~~  
36 ~~radiologist assistants by radiologists or other qualified physician~~  
37 ~~and surgeons and to provide that existing legal constraints should~~  
38 ~~not be an unnecessary hindrance to the more effective use of~~  
39 ~~medical imaging health care services. It is also the purpose of this~~

chapter to allow for innovative development of programs for the education, training, and utilization of radiologist assistants.

3550.1. This chapter shall be known and cited as the Radiologist Assistant Practice Act.

3550.2. As used in this chapter:

(a) “Approved program” means a radiologist assistant program or a radiologist practitioner assistant program for the education and training of radiologist assistants that has been formally approved by the board for the licensure of radiologist assistants.

(b) “Board” means the Medical Board of California.

(c) “Council” means the Radiologist Assistant Advisory Council of the Medical Board of California.

(d) “Medical imaging” means any procedure intended for use in the diagnosis or treatment of disease or other medical conditions; and includes, but is not limited to, X-rays, nuclear medicine, and other procedures, and that excludes echocardiography and diagnostic sonography.

(e) “Qualified physician and surgeon” means a radiologist or another physician and surgeon supervising a radiologist assistant within his or her specialty or usual and customary practice. A qualified physician and surgeon shall either hold, or be exempt from holding, an operator supervisor permit pursuant to the Radiologic Technology Act, as defined in Section 27 of the Health and Safety Code, for ionizing radiation, fluoroscopy, or the use and handling of nuclear medicine material, as appropriate for procedures that are being supervised.

(f) “Radiologist” means a physician and surgeon licensed by the board or by the Osteopathic Medical Board of California and certified by, or board-eligible for, the American Board of Radiology.

(g) “Radiologist assistant” means a person who meets the requirements of Section 3552.2 and the other requirements of this chapter.

(h) “Radiology practitioner assistant” means a person who is certified by the Certification Board for Radiology Practitioner Assistants.

(i) “Regulations” means the rules and regulations as contained in the California Code of Regulations.

(j) “Supervision” means the qualified physician and surgeon is physically present on the premises and available to the radiologist

1 assistant when medical services are rendered and oversees the  
2 activities of, and accepts responsibility for, the medical services  
3 rendered by the radiologist assistant.

4 3550.3. (a) Notwithstanding any other provision of law, a  
5 radiologist assistant licensed pursuant to Section 3552.2 may  
6 perform those medical services as set forth by the regulations of  
7 the board when the services are rendered under the supervision of  
8 a qualified physician and surgeon who meets the requirements of  
9 subdivision (a) of Section 3550.4. Those medical services  
10 performed by a radiologist assistant shall include, but not be limited  
11 to, obtaining patient consent prior to beginning an examination or  
12 procedure and obtaining medical imaging necessary for diagnosis  
13 and providing initial observations to the qualified physician and  
14 surgeon.

15 (b) (1) A radiologist assistant and his or her qualified physician  
16 and surgeon shall establish written guidelines for the adequate  
17 supervision of the radiologist assistant. This requirement may be  
18 satisfied by the qualified physician and surgeon adopting protocols  
19 for some or all of the tasks performed by the radiologist assistant.  
20 Radiologist assistants shall not interpret images, make diagnoses,  
21 or prescribe medications or therapies. The protocols adopted  
22 pursuant to this subdivision shall comply with the following  
23 requirements:

24 (A) A protocol governing procedures shall set forth the  
25 information to be provided to the patient, the nature of the consent  
26 to be obtained from the patient, the preparation and technique of  
27 the procedure, supervision of radiologic technologists by the  
28 radiologist assistant in the performance of medical imaging  
29 procedures, and followup care.

30 (B) Protocols shall be developed by the qualified physician and  
31 surgeon or adopted from, or referenced to, texts or other sources.

32 (C) Protocols shall be signed and dated by the qualified  
33 physician and surgeon and the radiologist assistant.

34 (D) Protocols shall be available at each practice site.

35 (2) Notwithstanding any other provision of law, the board may  
36 establish other alternative mechanisms for the adequate supervision  
37 of the radiologist assistant.

38 (c) A radiologist assistant licensed under this chapter may  
39 supervise a radiologic technologist in the performance of medical  
40 imaging procedures using fluoroscopy and is exempted from the

1 provisions of Section 107110 of the Health and Safety Code and  
2 Section 30463 of Title 17 of the California Code of Regulations:

3 3550.4. (a) ~~Notwithstanding any other provision of law, a~~  
4 ~~radiologist assistant licensed by the board shall be eligible for~~  
5 ~~employment or supervision by any qualified physician and surgeon,~~  
6 ~~as defined in subdivision (c) of Section 3550.2. A qualified~~  
7 ~~physician and surgeon shall possess a current and valid license to~~  
8 ~~practice medicine and may not be on disciplinary probation for~~  
9 ~~improper use of a radiologist assistant or subject to a disciplinary~~  
10 ~~condition imposed by the board prohibiting employment or~~  
11 ~~supervision of a radiologist assistant.~~

12 (b) ~~No qualified physician and surgeon shall supervise more~~  
13 ~~than two radiologist assistants at any one time.~~

14 3550.5. (a) ~~Notwithstanding any other provision of law, a~~  
15 ~~radiologist assistant may perform those medical services permitted~~  
16 ~~pursuant to Section 3550.3 during any state of war emergency,~~  
17 ~~state of emergency, or local emergency, as defined in Section 8558~~  
18 ~~of the Government Code, and at the request of a responsible federal,~~  
19 ~~state, or local official or agency, or pursuant to the terms of a~~  
20 ~~mutual aid operation plan established and approved pursuant to~~  
21 ~~the California Emergency Services Act (Chapter 7 (commencing~~  
22 ~~with Section 8550) of Division 1 of Title 2 of the Government~~  
23 ~~Code), regardless of whether the radiologist assistant's qualified~~  
24 ~~physician and surgeon is available to supervise the radiologist~~  
25 ~~assistant, so long as a licensed physician and surgeon is available~~  
26 ~~to render the appropriate supervision. "Appropriate supervision"~~  
27 ~~shall not require the personal or electronic availability of a qualified~~  
28 ~~physician and surgeon if that availability is not possible or practical~~  
29 ~~due to the emergency. The local health officers and their designees,~~  
30 ~~who are licensed as physicians and surgeons, may act as qualified~~  
31 ~~physicians and surgeons during emergencies.~~

32 (b) ~~No responsible official or mutual aid operation plan shall~~  
33 ~~invoke this section except in the case of an emergency that~~  
34 ~~endangers the health of individuals. Under no circumstances shall~~  
35 ~~this section be invoked as the result of a labor dispute or other~~  
36 ~~dispute concerning collective bargaining.~~

37 3550.6. ~~No person other than one who has been licensed to~~  
38 ~~practice as a radiologist assistant shall practice as a radiologist~~  
39 ~~assistant or in a similar capacity to a radiologist or hold himself~~  
40 ~~or herself out as a "radiologist assistant."~~

Article 2. ~~Administration~~

~~3551. There is established a Radiologist Assistant Advisory Council of the Medical Board of California. The board shall create and appoint the council consisting of qualified physician and surgeon licensees of the board in good standing, who are not required to be members of the board, and members of the public who have an interest in radiologist assistant practice. At least one-half of the council members shall be radiologist assistants certified by the American Registry of Radiologic Technologists or radiology practitioner assistants certified by the Certification Board for Radiology Practitioner Assistants. The council shall make recommendations on matters specified by the board and pursuant to Section 3551.7.~~

~~3551.6. The council may convene from time to time as deemed necessary by the board.~~

~~3551.7. It shall be the duty of the council to do all of the following:~~

~~(a) Make recommendations to the board concerning the establishment of standards and issuance of approval for programs.~~

~~(b) Make recommendations to the board concerning the scope of practice for radiologist assistants using the guidance of the American Society of Radiologic Technologists, the American Registry of Radiologic Technologists, the American College of Radiology, and the Certification Board for Radiology Practitioner Assistants.~~

~~(c) Adopt regulations pursuant to Section 3552.1.~~

~~3551.8. The board may adopt, amend, and repeal regulations as may be necessary to enable it to carry into effect the provisions of this chapter. All regulations shall be in accordance with, and not inconsistent with, the provisions of this chapter. All regulations shall be adopted, amended, or repealed in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~3552. Except as provided in Sections 159.5 and 2020, the board shall employ within the limits of the Radiologist Assistant Fund all personnel necessary to carry out the provisions of this chapter. The board shall make all necessary expenditures to carry out the provisions of this chapter from the fund established by Section~~



1 ~~3553. The board may accept contributions to effect the purposes~~  
2 ~~of this chapter.~~

3  
4 ~~Article 3. Licensure and Certification~~  
5

6 ~~3552.1. (a) The board shall adopt regulations consistent with~~  
7 ~~Sections 3551.7 and 3552.2 for the consideration of applications~~  
8 ~~for licensure as a radiologist assistant.~~

9 ~~(b) The board shall adopt regulations consistent with Sections~~  
10 ~~3551.7 and 3552.3 for the certification of approved programs.~~

11 ~~(c) The board shall adopt the regulations described in this section~~  
12 ~~no later than July 1, 2013.~~

13 ~~3552.2. Commencing July 1, 2013, or as soon as possible~~  
14 ~~thereafter, the board shall issue a license to each radiologist~~  
15 ~~assistant applicant who meets all of the following requirements:~~

16 ~~(a) Provides evidence of successful completion of an approved~~  
17 ~~program.~~

18 ~~(b) Is certified as a radiologist assistant by the American~~  
19 ~~Registry of Radiologic Technologists or as a radiology practitioner~~  
20 ~~assistant by the Certification Board for Radiology Practitioner~~  
21 ~~Assistants.~~

22 ~~(c) Is certified by the State Department of Public Health as a~~  
23 ~~diagnostic radiologic technologist and holds a radiologic~~  
24 ~~technologist fluoroscopy permit.~~

25 ~~(d) Is not subject to denial of licensure under Division 1.5~~  
26 ~~(commencing with Section 475) or Section 3554.~~

27 ~~(e) Pays all fees required under Section 3553.1.~~

28 ~~3552.3. Commencing July 1, 2013, or as soon as possible~~  
29 ~~thereafter, the board shall recognize the approval of training~~  
30 ~~programs for radiologist assistants approved by a national~~  
31 ~~accrediting organization. Radiologist assistant training programs~~  
32 ~~accredited by a national accrediting agency approved by the board~~  
33 ~~shall be deemed approved by the board under this section. If no~~  
34 ~~national accrediting organization is approved by the board, the~~  
35 ~~board may examine and pass upon the qualification of, and may~~  
36 ~~issue certificates of approval for, programs for the education and~~  
37 ~~training of radiologist assistants that meet the board standards. The~~  
38 ~~board may examine and issue certificates to approved programs~~  
39 ~~that satisfy the requirements of the regulations adopted pursuant~~  
40 ~~to Section 3552.1.~~

1     ~~3552.4. The applicant shall provide evidence satisfactory to~~  
2 ~~the board that an application has been filed and accepted for the~~  
3 ~~examination and that the organization certifying radiologist~~  
4 ~~assistants has been requested to verify the applicant's certification~~  
5 ~~status to the board in order for the applicant to maintain interim~~  
6 ~~approval. The applicant shall be deemed to have failed the~~  
7 ~~examination unless the applicant provides evidence to the board~~  
8 ~~within 30 days after scores have been released that he or she has~~  
9 ~~passed the examination.~~

10  
11                     Article 4. Revenue  
12

13     ~~3553. Within 10 days after the beginning of each calendar~~  
14 ~~month, the board shall report to the Controller the amount and~~  
15 ~~source of all collections made under this chapter and at the same~~  
16 ~~time pay all those sums into the State Treasury, where they shall~~  
17 ~~be credited to the Radiologist Assistant Fund, which fund is hereby~~  
18 ~~created. All money in the fund shall, upon appropriation by the~~  
19 ~~Legislature, be used to carry out the purpose of this chapter.~~

20     ~~3553.1. Fees to be paid by radiologist assistants for application,~~  
21 ~~licensure, and renewal shall be set by the board in an amount~~  
22 ~~sufficient to cover the reasonable and necessary costs of~~  
23 ~~implementing and administering this chapter.~~

24     ~~3553.2. The board shall report to the appropriate policy and~~  
25 ~~fiscal committees of each house of the Legislature whenever the~~  
26 ~~board approves a fee increase pursuant to Section 3553.1.~~

27     ~~3553.4. (a) All radiologist assistant licenses shall expire at 12~~  
28 ~~midnight of the last day of the birth month of the licensee during~~  
29 ~~the second year of a two-year term if not renewed.~~

30     ~~(b) The board shall establish by regulation procedures for the~~  
31 ~~administration of a birth date renewal program, including, but not~~  
32 ~~limited to, the establishment of a system of staggered license~~  
33 ~~expiration dates.~~

34     ~~(c) To renew an unexpired license, the licensee shall, on or~~  
35 ~~before the date of expiration of the license, apply for renewal on~~  
36 ~~a form provided by the board, accompanied by the prescribed~~  
37 ~~renewal fee.~~

38     ~~3553.5. The board shall require a licensee to complete~~  
39 ~~continuing education, as deemed acceptable by the board, as a~~  
40 ~~condition of license renewal under Section 3553.4. The board shall~~

1 not require more than 50 hours of continuing education every two  
2 years.

3 ~~3553.6. (a) A suspended license is subject to expiration and~~  
4 ~~shall be renewed as provided in this chapter, but that renewal does~~  
5 ~~not entitle the holder of the license, while it remains suspended~~  
6 ~~and until it is reinstated, to practice or engage in the activity to~~  
7 ~~which the license relates, or engage in any other activity or conduct~~  
8 ~~in violation of the order or judgment by which the license was~~  
9 ~~suspended.~~

10 ~~(b) A revoked license is subject to expiration as provided in this~~  
11 ~~chapter. If the license is reinstated after expiration, the licensee,~~  
12 ~~as a condition to reinstatement, shall pay a reinstatement fee in an~~  
13 ~~amount equal to the renewal fee in effect on the last preceding~~  
14 ~~regular renewal date before the date on which it is reinstated.~~

15  
16 Article 5. Denial, Suspension, and Revocation  
17

18 ~~3554. (a) The board may deny, issue with terms and conditions,~~  
19 ~~suspend or revoke, or impose probationary conditions upon a~~  
20 ~~radiologist assistant license as required in Section 3554.1 for~~  
21 ~~unprofessional conduct that includes, but is not limited to, a~~  
22 ~~violation described under Section 2234, a violation of this chapter,~~  
23 ~~a violation of the Radiologic Technology Act, as defined in Section~~  
24 ~~27 of the Health and Safety Code, a violation of the applicable~~  
25 ~~regulations adopted by the board, or a breach of an ethics rule~~  
26 ~~established by a recognized national certification organization of~~  
27 ~~radiologist assistants.~~

28 ~~(b) The board may deny, approve with terms and conditions,~~  
29 ~~suspend or revoke, or impose probationary conditions upon an~~  
30 ~~approved program after a hearing as required in Section 3554.1~~  
31 ~~for a violation of this chapter or the regulations adopted pursuant~~  
32 ~~to this chapter.~~

33 ~~(c) The board may order the licensee to pay the costs of~~  
34 ~~monitoring the probationary conditions imposed on the license.~~

35 ~~3554.1. Any proceedings involving the denial, suspension, or~~  
36 ~~revocation of the application for licensure or the license of a~~  
37 ~~radiologist assistant or the application for approval or the approval~~  
38 ~~of an approved program under this chapter shall be conducted in~~  
39 ~~accordance with Chapter 5 (commencing with Section 11500) of~~  
40 ~~Part 1 of Division 3 of Title 2 of the Government Code.~~

1     ~~3554.2.—The board may hear any matters filed pursuant to~~  
2 ~~subdivisions (a) and (b) of Section 3554, or may assign any such~~  
3 ~~matter to a hearing officer. If a matter is heard by the board, the~~  
4 ~~hearing officer who presided at the hearing shall be present during~~  
5 ~~the board's consideration of the case, and, if requested, assist and~~  
6 ~~advise the board.~~

7     ~~3554.3.—(a) A person whose license has been revoked or~~  
8 ~~suspended, or who has been placed on probation, may petition the~~  
9 ~~board for reinstatement or modification of penalty, including~~  
10 ~~modification or termination of probation, after a period of not less~~  
11 ~~than the following minimum periods has elapsed from the effective~~  
12 ~~date of the decision ordering that disciplinary action:~~

13     ~~(1) At least three years for reinstatement of a license revoked~~  
14 ~~for unprofessional conduct, except that the board may, for good~~  
15 ~~cause shown, specify in a revocation order that a petition for~~  
16 ~~reinstatement may be filed after two years.~~

17     ~~(2) At least two years for early termination of probation of three~~  
18 ~~years or more.~~

19     ~~(3) At least one year for modification of a condition,~~  
20 ~~reinstatement of a license revoked for mental or physical illness,~~  
21 ~~or termination of probation of less than three years.~~

22     ~~(b) The petition shall state any facts as may be required by the~~  
23 ~~board. The petition shall be accompanied by at least two verified~~  
24 ~~recommendations from qualified physician and surgeons licensed~~  
25 ~~either by the board or the Osteopathic Medical Board of California~~  
26 ~~who have personal knowledge of the activities of the petitioner~~  
27 ~~since the disciplinary penalty was imposed.~~

28     ~~(c) The petition may be heard by the board. The board may~~  
29 ~~assign the petition to an administrative law judge designated in~~  
30 ~~Section 11371 of the Government Code. After a hearing on the~~  
31 ~~petition, the administrative law judge shall provide a proposed~~  
32 ~~decision to the board that shall be acted upon in accordance with~~  
33 ~~the Administrative Procedure Act.~~

34     ~~(d) The board or the administrative law judge hearing the~~  
35 ~~petition may consider all activities of the petitioner since the~~  
36 ~~disciplinary action was taken, the offense for which the petitioner~~  
37 ~~was disciplined, the petitioner's activities during the time the~~  
38 ~~license was in good standing, and the petitioner's rehabilitative~~  
39 ~~efforts, general reputation for truth, and professional ability. The~~

1 hearing may be continued as the board or administrative law judge  
2 finds necessary.

3 (e) ~~The board or administrative law judge, when hearing a~~  
4 ~~petition for reinstating a license or modifying a penalty, may~~  
5 ~~recommend the imposition of any terms and conditions deemed~~  
6 ~~necessary.~~

7 (f) ~~No petition shall be considered while the petitioner is under~~  
8 ~~sentence for any criminal offense, including any period during~~  
9 ~~which the petitioner is on court-imposed probation or parole. No~~  
10 ~~petition shall be considered while there is an accusation or petition~~  
11 ~~to revoke probation pending against the person. The board may~~  
12 ~~deny, without a hearing or argument, any petition filed pursuant~~  
13 ~~to this section within a period of two years from the effective date~~  
14 ~~of the prior decision following a hearing under this section.~~

15 (g) ~~Nothing in this section shall be deemed to alter Sections 822~~  
16 ~~and 823.~~

17 3554.4. ~~A plea or verdict of guilty or a conviction following a~~  
18 ~~plea of nolo contendere made to a charge of a felony or of any~~  
19 ~~offense that is substantially related to the qualifications, functions,~~  
20 ~~or duties of the business or profession to which the license was~~  
21 ~~issued is deemed to be a conviction within the meaning of this~~  
22 ~~chapter. The board may order the license suspended or revoked,~~  
23 ~~or shall decline to issue a license when the time for appeal has~~  
24 ~~elapsed, or the judgment of conviction has been affirmed on appeal~~  
25 ~~or when an order granting probation is made suspending the~~  
26 ~~imposition of sentence, irrespective of a subsequent order under~~  
27 ~~the provisions of Section 1203.4 of the Penal Code allowing the~~  
28 ~~person to withdraw his or her plea of guilty and to enter a plea of~~  
29 ~~not guilty, or setting aside the verdict of guilty, or dismissing the~~  
30 ~~accusation, information, or indictment.~~

#### 31 32 Article 6. Penalties

33  
34 3555. ~~Any person who violates Section 3550.3 or 3550.6 shall~~  
35 ~~be guilty of a misdemeanor punishable by imprisonment in the~~  
36 ~~county jail not exceeding six months, or by a fine not exceeding~~  
37 ~~one thousand dollars (\$1,000), or by both.~~

38 3555.5. ~~Whenever any person has engaged in any act or practice~~  
39 ~~that constitutes an offense against this chapter, the superior court~~  
40 ~~of any county, on application of the board, may issue an injunction~~

1 or other appropriate order restraining the conduct. Proceedings  
2 under this section shall be governed by Chapter 3 (commencing  
3 with Section 525) of Title 7 of Part 2 of the Code of Civil  
4 Procedure. The board may commence action in the superior court  
5 under the provisions of this section.

6  
7 Article 7. Osteopathic Radiologist Assistants  
8

9 3557. (a) Notwithstanding any other provision of law, qualified  
10 physicians and surgeons licensed by the Osteopathic Medical Board  
11 of California may use or employ radiologist assistants provided  
12 (1) each radiologist assistant so used or employed is a graduate of  
13 an approved program and is licensed by the board, and (2) the  
14 scope of practice of the radiologist assistant is the same as that  
15 which is approved by the Medical Board of California for  
16 radiologist assistants in the same or similar specialty.

17 (b) Any person who violates subdivision (a) shall be guilty of  
18 a misdemeanor punishable by imprisonment in a county jail not  
19 exceeding six months, or by a fine not exceeding one thousand  
20 dollars (\$1,000), or by both that imprisonment and fine.

21 SEC. 2. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.